

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DERRICK L. CLAY,

Plaintiff,

v.

ROGER WALKER, et al.

Defendants.

Civil Case No. 07-CV-509-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (R&R) (Doc. 30) of Magistrate Judge Donald G. Wilkerson recommending that the Court grant defendants' motion for summary judgment. The time for objections has passed, and no objections have been filed.

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R&R. The Court has reviewed the entire file and finds that the R&R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the

R&R in its entirety (Doc. 30), **DISMISSES** this case without prejudice, and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 17, 2009

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE